IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

And
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 18729 of 2004

Between:

Dr. D. Gopala Rao, S/o. Rama Rao, Civil Surgeon Specialist (General Surgery) & Medical Superintendent, Working at District Hospital Jangaon,Warangal District.

..... PETITIONER

AND

1 The Government of A.P., rep. by the Principal Secretary, Health Medical & Family Welfare, A.P. Secretariat, Hyderabad.
2 The Commissioner, A.P. Vaidya Vidhana Parishad, Sultan Bazar, Hyderabad.
3 The District Co-Ordinator of Hospital Services, Jangaon, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue Writ of Certiorari, a) calling for the records relating to connected with the Judgment and order rendered by the Hon'ble A.P.A.T. in O.A.No.5424 of 2004 dt. 23.09.2004 and quash or set aside the same holding it as unsustainable. b) Also call for records relating to and connected with the orders passed by the 2nd respondent in State Government in R.C.No.4736/M1A/2004 Dt. 21.09.2004, and quash or set aside the same holding it as arbitrary, illegal, unjust and violative of Articles 14 and 16 of the Constitution of India. c) And pass such other and further order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.LOKESHWAR BABU

Counsel for the Respondent No.1: G.P. FOR MEDICAL HEALTH & FAMI.WELFARE.

Counsel for the Respondent Nos. 2 & 3: Mr. K.L.N. SWAMY, S.C. FOR A.P. VAIDYA VIDHANA PARISHAD.

The Court, at the stage of admission, made the following:

ORAL ORDER: (Per: The Hon'ble Mr. Justice Goda Raghuram)

The petitioner, by the proceedings dated 21-09-2004 of the 2nd respondent, was transferred from the District Hospital, Jangaon, Warangal district to the District

Hospital, Tandur, Ranga Reddy district. The petitioner, a Civil Surgeon Specialist (GS), was transferred to District Hospital, Tandur, Ranga Reddy district, as the incumbent Specialist at District Hospital, Tandur was unauthorisedly absent. The petitioner challenged the order of transfer on a plurality of grounds before the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') in O.A.No.5424 of 2004. The O.A. was rejected by the order dated 23-09-2004 holding the transfer to be a normal administrative measure and an incident of service. The petitioner was granted liberty to make a representation to the concerned authorities for re-consideration. Aggrieved by the rejection of the substantive relief by the Tribunal, the petitioner is before this court.

In view of the provisions of Regulation 17(2) read with Regulation 17 (4) of the Andhra Pradesh Vaidya Vidhana Parishad Special Service Regulations, 2000 issued in G.O.Ms.No. 48, Health, Medical & Family Welfare (C1) dated 29-01-2000 and published in the Gazette, the 2nd respondent is seen to have the competence and power to effect transfers. Other grounds urged by the petitioner before the Tribunal and reiterated here are not subject matter of a judicial review i.e., that his transfer is inconvenient, the need to work in proximity with his wife who is also an employee and the normal principle that an officer should not be disturbed within three years. All these are administrative considerations, which are not subject to judicial review. In any event, the transfer of the petitioner was occasioned on account of the exigencies arising at District Hospital, Tandur, Ranga Reddy district.

On the above analysis, we discern no infirmity in the order of the Tribunal warranting interference. The writ petition is without merits and is accordingly dismissed at the stage of admission.

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J. CHELAMESWAR, J

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GODA RAGHURAM, J

Dt. 12-10-2004

Pvks/*

To

1 The Principal Secretary, Health, Medical & Family Welfare, the Government of A.P., A.P. Secretariat, Hyderabad.
2 The Commissioner, A.P. Vaidya Vidhana Parishad,
Sultan Bazar, Hyderabad.
3 The District Co-Ordinator of Hospital Services, Jangaon, Warangal District.

4.2CCs to the Government Pleader for Medical, Health & Family Welfare, A.P. High Court Buildings, Hyderabad (OUT).

5.2CD copies

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